

## Message Text

LIMITED OFFICIAL USE

PAGE 01 LONDON 03779 111916Z

44

ACTION L-02

INFO OCT-01 EUR-12 ISO-00 JUSE-00 SCA-01 DEAE-00 SSO-00

/016 W

----- 127394

O 111906Z MAR 75

FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 9178

LIMITED OFFICIAL USE LONDON 03779

E.O. 11652:N/A

TAGS: CPRS, PFOR, SNAR, UK

SUBJECT: EXTRADITION: PETER DALY

REF: STATE 50406

EMBASSY ADVISED BY DPP OF FOLLOWING ELEVENTH HOUR ADVICE  
FROM COUNSEL IN DALY CASE:

"1. ON AN EXAMINATION OF GUILIANI'S AFFIDAVIT DATED 21ST  
JANUARY 1975 IT WOULD APPEAR THAT WHEN EXAMINING THE  
EXHIBITS, I.E. TRANSCRIPTS OF AQUILUZ AND BOUTUREIRA, HE  
HAS MISDESCRIBED THE EXHIBITS IN PARAGRAPH 5. AOUILUZ'  
TRANSCRIPT SHOULD HAVE BEEN DESCRIBED AS EXHIBIT B AND  
BOUTUREIRA'S AS EXHIBIT C.

AS A RESULT OF THIS ERROR THE AFFIDAVIT OF AOUILUZ DATED  
21ST FEBRUARY IS A NONSENSE (HE'S READING BOUTUREIRA'S  
TRANSCRIPT) SO ALSO IS THE AFFIDAVIT OF BOUTUREIRA DATED  
21ST FEBRUARY; (HE'S READING AOUILUZ' TRANSCRIPT).

2. THE ONLY WAY TO AMEND THIS ERROR IS FOR GUILIANI TO  
SWEAR A FRESH AFFIDAVIT IN THE SAME TERMS AS HIS AFFI-  
DAVIT DATED 21ST FEBRUARY, SAVE THAT IN PARAGRAPH 5 HE  
SHOULD DESCRIBE AGUILUZ' AFFIDAVIT AS EXHIBIT B AND  
BOUTUREIRA'S AS EXHIBIT C. THE TRANSCRIPTS SHOULD BE  
ATTACHED TO THIS AFFIDAVIT AS BEFORE, AND DESCRIBED AS  
"B" AND "C" RESPECTIVELY.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LONDON 03779 111916Z

3. IT WILL BE NECESSARY FOR AQUILUZ AND BOUTUREIRA TO

SWEAR FRESH AFFIDAVITS IN THE SAME TERMS AS THEIR AFFIDAVITS OF 21ST FEBRUARY, SAVE AGUILUZ IN HIS SHOULD DESCRIBE THE EXHIBIT AS EXHIBIT B AND BOUTUREIRA IN HIS AS EXHIBIT C.

4. IT WOULD BE ADVISABLEEEE, AS REQUESTED IN LETTERS FROM THE DPP THAT THE FULL (UNDERLINED) TRANSCRIPTS OF EVIDENCE INCLUDING ALL PAGES AND CROSS AND RE EXAMINATION NOW BE INCORPORATED AS EXHIBITS.

5. UNDER ENGLISH LAW A CONVICTION MAY BE QUASHED WHICH IS BASED UPON THE EVIDENCE OF AN ACCOMPLICE WHO HAS YET TO BE SENTENCED IN RESPECT OF THE SAME OFFENCES IN RESPECT OF WHICH A CONVICTION IS SOUGHT. THUS IT IS IMPORTANT THAT AN ACCOMPLICE WITNESS SHOULD BE TOLD THAT IN NO EVENT WILL PROCEEDINGS BE TAKEN AGAINST HIM IN RESPECT OF THE MATTERS HE IS DEPOSING TO, OR IF PROCEEDINGS ARE CONTEMPLATED IT IS VITAL THAT HE SHOULD HAVE BEEN TRIED AND SENTENCED BEFORE GIVING EVIDENCE. THE TRANSCRIPTS "B" AND "C" ARE VAGUE AND AMBIGUOUS ON THESE MATTERS, AND THERE MUST BE AN AFFIDAVIT CLARIFYING THE POSITION - IN THIS WAY (1) THAT AGUILUZ AND BOUTUREIRA WERE TOLD THAT NO PROCEEDINGS WOULD BE BROUGHT AGAINST THEM IN RESPECT OF THE OFFENCES DISCLOSED IN THEIR EVIDENCE AND IN RESPECT OF WHICH IT IS NOW ALLEGED DALY IS JOINTLY CONCERNED, AND NO SUCH PROCEEDINGS HAVE BEEN BROUGHT; (2) IF PROCEEDINGS HAVE BEEN BROUGHT AGAINST AGUILUZ AND BOUTUREIRA AS ABOVE THEY HAVE BEEN SENTENCED IN RESPECT OF THOSE MATTERS.

6. I WOULD ADD GENERALLY HAVING REGARD TO THE LAST TELEGRAM FROM THE USG (REFTEL) THAT UNDER SECTION 10 OF THE EXTRADITION ACT 1870 THE GOVERNMENT MUST PRODUCE SUCH EVIDENCE AS WOULD ACCORDING TO THE LAW OF ENGLAND JUSTIFY THE COMMITMENT FOR TRIAL OF THE FUGITIVE."

RICHARDSON

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, DRUG TRAFFIC, COURT PROCEEDINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 MAR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** KelleyW0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975LONDON03779  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750085-0324  
**From:** LONDON  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750363/aaaaceja.tel  
**Line Count:** 98  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 STATE 50406  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** KelleyW0  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 30 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <30 JUN 2003 by BoyleJA>; APPROVED <05 NOV 2003 by KelleyW0>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EXTRADITION: PETER DALY  
**TAGS:** CPRS, PFOR, SNAR, UK, (DALY, PETER)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006